

Department of Environmental Protection and Resource Management  
105 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.71971

David B. Schuessler

2 Kilmory Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 23, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (b)(1), 35-2-404 (a)(1)(vii): roof and exterior wall not in good repair; fascia and eave exhibit deterioration; to install and repair missing siding on fascia and eave of roof on residential property known as 2 Kilmory Court, 21236.

On January 27, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Keith Parker issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 15, 2009 for replace/repair exterior construction, missing siding on rear fascia and eaves. This Citation was issued on January 27, 2010.

B. Photographs in the file show a section of the rear fascia board along the roof line lacks protective siding. Notes in the file from Inspector Parker state that a six foot section is raw wood, exposed to the weather, and that the soffit has two large visible openings. This property is a townhouse attached to other houses.

C. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. The raw wood must be painted or covered with siding. The holes must be closed to prevent entry by birds, squirrels or other animals.

D. Because compliance is the goal of code enforcement, the civil penalty will be substantially reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the violations are corrected by March 31, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 26<sup>th</sup> day of February 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer